

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG 22 2017

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NISHEN RAMON PALMER,

Defendant.

CR 17-18-BLG-SPW

ORDER

Before the Court is Defendant Nishen Palmer's Motion for Discovery (Doc. 14), Motion for Notice of Rule 404(b) Evidence (Doc. 15), and Motion for Release of Brady Materials (Doc. 16). In its response, the government states it has provided Palmer with all the discovery in its possession, it does not intend to use 404(b) evidence, and that it has provided Palmer with all exculpatory and impeachment evidence in its control. (Doc. 17). Since filing his motions, Palmer has pled guilty to Count I of the indictment pursuant to a plea agreement. (Docs. 21-23). In exchange, the government has agreed to dismiss Counts II and III of the indictment at sentencing. (Doc. 23 at 2).

The procedural posture of the case and the government's response render Palmer's motions moot. The government has already provided Palmer with all of the information required by law. Rule 404(b) evidence is no longer an issue

because the case is no longer going to trial. This order should not be construed to relieve the government of its ongoing duty to disclose information required by law when such information comes under its control.

For the foregoing reasons, Palmer's motions (Docs. 14-16) are DENIED.

DATED this 22nd day of August, 2017.



SUSAN P. WATTERS
United States District Judge